



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: 10/20/2005
Comment Deadline: 11/21/2005
Corps Action ID #: 200610042

All interested parties are hereby advised that the Wilmington District, Corps of Engineers (Corps) has received an application for work within jurisdictional waters of the United States. Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: The Fund for Sandy Point, NC, LLC
Attention: Mr. Sam Young
1023 SW 25th Avenue
Miami, Florida 33135

AGENT (if applicable): Mr. Joe Lassiter
Quible and Associates, PC
Post Office Drawer 870
8 Juniper Trail
Kitty Hawk, North Carolina 27949

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

Location

The property is a 930 acre tract on the east and west sides of NC Highway 32 eight miles southeast of Edenton, adjacent to the north shore of the Albemarle Sound, in Chowan County, North Carolina (36.153616 -76.244908).

Existing Site Conditions

The property is a largely undeveloped tract of land consisting of farm fields and wooded areas vegetated with pine trees and mixed hardwoods. A large cypress-gum swamp is located in the middle of the property and extends from the Albemarle Sound

northwestward past the property boundaries. A second swamp system is located on the eastern side of the property. It also extends from Albemarle Sound, northward off the property. Wet pine flats exist between these two systems, though much of the areas have been logged in the past four years. The historic Sandy Point house and associated 160-acre tract listed on the National Register of Historic Places is located in the project area, to the west of the Highway 32 bridge over the Albemarle Sound.

Applicant's Stated Purpose

The applicant proposes to construct a New Urban Waterfront development on the shores of Albemarle Sound.

Project Description

The 930 acre project will include single and multifamily housing, commercial businesses and shopping centers, road construction and upgrading, civic facilities (police, fire and emergency medical), a school, two harbors, two lakes, marinas, swim beaches, waste water treatment facilities, and other amenities. The two harbors will be excavated within uplands on the property totaling approximately 51 acres in size. Three navigation channels connecting to the harbors will be excavated within the Albemarle Sound. Over 2,000,000 cubic yards of spoil will be generated by this work. The developer proposes to dispose of the material on the property. The developer proposes to construct a total of six jetties at the mouths of the access channels to still the entrance waters and reduce maintenance excavation. Basin flushing will be achieved through the use of mechanized pumps that draw water from Albemarle Sound and release it into the basins.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by November 14, 2005.

The applicant has not provided to the Corps, a certification statement that his/her proposed activity complies with and will be conducted in a manner that is consistent with the approved North Carolina Coastal Zone Management Program. Pursuant to 33 CFR 325.2(b)(2), the Corps can not issue a permit for the proposed work until the applicant submits such a certification to the Corps and the North Carolina Division of Coastal Management (NCDCM), and the NCDCM notifies the Corps that it concurs with the applicant's consistency certification.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps' initial determination is that the proposed project may adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service. The proposed navigation channels will be excavated through Submerged Aquatic Vegetation (SAV) habitat.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and has determined that registered properties, or properties listed as being eligible for inclusion therein are located within the project area and/or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work. The historic Sandy Point house and associated 160-acre tract listed on the National Register of Historic Places is located in the project area, to the west of the Highway 32 bridge over the Albemarle Sound.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain

values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

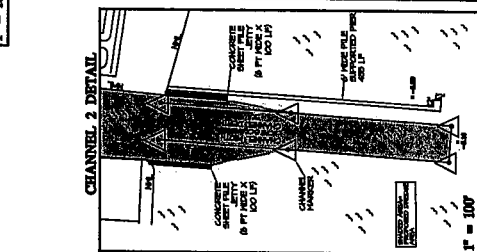
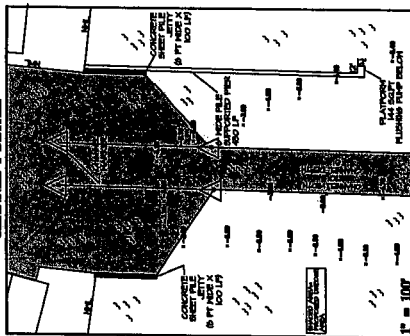
Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 21, 2005. Comments should be submitted to Ms. Tracey L. Wheeler, Post Office Box 1000, Washington, North Carolina, 27889, or telephone (919) 975-1616, extension 24.

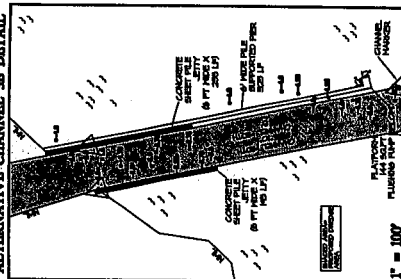


(IN FEET)
1 inch = 800 ft.

CHANNEL 1 DETAIL



INTERNATIONAL CHEMISTRY 38 DEPT. P



LEGEND

 WETLAND AREA

DESIGNATED GREEN SPACE

WATER DEPTH MEASURED ON 8/10/04

WATER DEPTH MEASURED ON 9/2/08

▲ CHANNEL MARKERS

Abstract

DUANY PLATER-ZYBERK & COMPANY

QUESTIONS AND YOUR ANSWERS
